



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL
1000 NAVY PENTAGON
WASHINGTON, D. C. 20350-1000

NOV - 7 2008

John G. Hammerstrom
P.O. Box 860
Tavernier, FL 33070-0860

Dear Mr. Hammerstrom:

This letter reflects the final administrative adjudication of your Freedom of Information Act (FOIA) appeal, dated April 2, 2008, and received in the office of the Assistant to the General Counsel (FOIA) on June 9, 2008, via the Judge Advocate General. On February 26, 2008, you requested from Naval Air Station, Key West (the Initial Denial Authority (IDA)) "a copy of the 'Pre-Release Draft Environmental Assessment for Maintenance Dredging of Key West Channel and Truman Annex Harbor' (PRDEA) dated February 11, 2003." The IDA responded on March 25, 2008, explaining that, after a thorough search, the IDA was unable to locate any responsive records. You appealed that determination.

Upon receipt of your appeal, the Assistant to the General Counsel (FOIA) contacted the IDA regarding the search procedures undertaken to locate responsive documents and confirmed the adequacy of that department's search procedures. My office also contacted the Assistant General Counsel (Installations and Environment) who, in turn, contacted the Chief of Naval Operations Environmental Readiness Division (N45). Neither of these offices was able to locate a copy of the pre-release draft.

The adequacy of an agency's search under the FOIA is determined by a test of reasonableness, which may vary from case to case. An agency must undertake a search that is reasonably calculated to uncover all relevant documents. Under the circumstances, I find that an adequate search was conducted for responsive records.

This letter constitutes final denial of your FOIA appeal by the designated appellate authority for this matter, the Deputy General Counsel of the Department of the Navy. You may seek judicial review of this decision as described in subsections 552(a)(4)(B)-(G) of Title 5, United States Code.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne M. Brennan".

Anne M. Brennan
Deputy General Counsel